

**BROKEN ARROW CITY COUNCIL
AMENDED AGENDA
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
May 5, 2009**

6:30 PM

- 1. Call to Order**
- 2. Invocation**
- 3. Roll Call**
- 4. Pledge of Allegiance to the Flag**
- 5. Consideration of Consent Agenda**
 - A. Approval of the regular meeting minutes of April 21, 2009
 - B. Acceptance of the minutes of the Planning Commission meeting held April 9, 2009.
 - C. Ratify Proclamation declaring May 4 - 8, 2009 as "Teacher Appreciation Week", in the City of Broken Arrow
 - D. Approval of and authorization to execute Amendment No. 1 to Portland Cement Concrete Street Repairs contract exercising Option to extend for one year
 - E. Approval of and authorization to execute a Memorandum of Understanding concerning wireless fee remissions between Indian Nations Council of Governments and the City of Broken Arrow
 - F. Approval and authorization of purchase of equipment for Server Virtualization and Data Storage Expansion
 - G. Approval of bids received and award of the most advantageous bid to Ira M. Green Construction Co. for Elm Place Extension: FAA Site to Omaha Street
 - H. Approval of bids received and award of the most advantageous bid to Range Systems for the Police Department Shoot House
 - I. Approval of bids received and award of the most advantageous bid for two tree and brush mower attachments
 - J. Approval of PT03-123A, conditional final plat, Eagle Ridge Village Phase II, 5.39 acres, 1 lot, R-3/PUD 140, one-quarter mile north of Albany Street (61st Street), east of Elm Place (161st East Avenue).
 - K. Approval of PT07-105, conditional final plat, Fairfield Farms II, 4.53 acres, 5 lots, C-5, and I-1/PUD 200, south of southwest Expressway Drive, one-half mile east of Aspen Avenue (145th East Avenue).
 - L. Approval of PT08-122, conditional final plat, Coach Port, 7.18 acres, 1 lot, IL/PUD 193, one-half mile south of Washington Street (91st Street), one-half mile west of Evans Road (225th East Avenue)

- M. Acceptance of a Temporary Construction Easement from James & Peggy Crain (S28 T18N R14E)(Project: ST0533)
- N. Acceptance of a General Warranty Deed from James & Peggy Crain (S28 T18N R14E) (Project: ST0533)
- O. Acceptance of a General Warranty Deed from Brookdale Senior Living Communities, Inc (S28 T18N R14E)(Project: ST0533)
- P. Approval of the Claims List
- 6. Consideration of Items Removed from Consent Agenda**
- 7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths**
 - A. Appeal: Consideration of a request for waiver and relief from the Broken Arrow Municipal Code Sec. 24-104 requiring the connection of the private sewer system to the public sewer system for properties located at 2103 and 2111 S 1st Place.
- 8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (approximately 7:00 p.m.)**
- 9. General Council Business**
 - A. Approval of and authorization to execute a Resolution declaring that the protests to the improvements to the waterline and water system along 140th East Avenue from Florence Street (111th Street South) extending approximately 1/2 mile south, were insufficient, expressing the determination of the Council to proceed with the improvements and requiring the City Engineer to submit and file detailed plans, profiles, specifications, and estimates of probable cost
 - B. Consideration of and authorization to execute a Resolution of the City Council of the City of Broken Arrow designating \$599,596.00 from the sales tax capital improvement fund as a result of savings in the project widening Elm Place from the FAA Tower to Omaha as economic Development funds to be used for the purpose of acquiring certain real property located North of the Creek Turnpike on the East side of Aspen Avenue for purposes of certain Oklahoma Turnpike Authority Creek Turnpike facilities; authorizing the transfer of said funds, together with \$452,811.00 resulting from the termination of the defined benefit plan for retirees of the City of Broken Arrow previously designated as economic development funds for like purposes under Resolution Number 578, to the Broken Arrow Economic Development Authority for the purpose of its acquiring a certain 20.23 acre tract of land located North of the Creek Turnpike and East of Aspen Avenue; ratifying all previous fund transfers related thereto; and approving budget amendment number 12 for such purposes
 - C. Consideration of and authorization to execute a Resolution authorizing the City Attorney to agree to entry of judgment in the case of the City of Broken Arrow, Oklahoma v. Wylie J. Neal and Linda J. Neal, et al. Tulsa County District Court Case Number CJ-2009-989 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry for the Court's approval, pursuant to 51 O.S. Section 158
 - D. Consideration of and authorization to execute a Resolution authorizing the City Attorney to agree to entry of judgment in the case of the City of Broken Arrow, Oklahoma v. Owasso Land Trust, L.L.C., Tulsa County District Court Case Number CJ-2009-946 and

directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry for the Court's approval, pursuant to 51 O.S. Section 158

- E. Consideration of and authorization to execute a Resolution authorizing the City Attorney to agree to entry of judgment in the case of the City of Broken Arrow, Oklahoma v. Lenard A. Poplin and Rosella C. Poplin, et al., Tulsa County District Court Case Number CJ-2007-7889 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry for the Court's approval, pursuant to 51 O.S. Section 158
- F. Approval of and authorization to execute a Resolution establishing the necessity of improvements to the sanitary sewer system of Arrow Acres located south of Washington Street and bounded on the east and west by 1st Place and Main Streets, and directing the Municipal Engineer to prepare and file preliminary construction plans
- G. Consideration of and approval for the Mayor to execute an official ballot from the Oklahoma Municipal Assurance Group to fill two Trustee positions for 3-year terms
- H. Consideration and approval of nominations to fill two vacancies on the Board of Adjustment created by the expiring terms of Rene' L. Ray and Stanley Evetts, (continued from April 21, 2009).
- I. Consideration and approval of nominations to fill five (5) lay member positions to serve on the Judicial Nominating Committee
- J. Consideration and approval of re-appointment of Fred Dorrell, Ricky Jones and Jack Keeling to fill three vacancies on the Planning Commission.

10. City Manager's Report

- A. Employee Survey
- B. Green Plan - Utilities and New Facilities

11. Preview Ordinances

- A. An Ordinance amending Chapter 12, Article II. of the Broken Arrow Code, Collection by City, Section 12-25, Charges generally; minimum rate charge; monthly rates for residential customers; repealing all ordinances to the contrary, and declaring an emergency
- B. An Ordinance amending the Broken Arrow Nuisance Code, Chapter 15; Repealing all ordinances to the contrary, and declaring an emergency
- C. An Ordinance amending the Broken Arrow Code Section 10-3(e)(2), prohibiting the manufacture, sale, and use of fireworks within the City; providing for exceptions under permit; providing for conditions for the permits; providing for penalties; requiring adult supervision in the use of permits; repealing all ordinances to the contrary; and declaring an emergency

12. Ordinances

- A. Ordinance No. 3030 An Ordinance amending the Broken Arrow Code Chapter 2, Employee Rules and Regulations, Section 2-150, Standards of Conduct; Repealing all ordinances to the contrary and declaring an emergency

- B. Ordinance No. 3032 An Ordinance amending Chapter 21, Streets and Sidewalks, Article I, In General, Section 21-14, Streetlight Fee
- C. Ordinance No. 3033 An Ordinance amending the Broken Arrow Code Sections 25-102, 25-501 and 25-601 revising a system of stormwater management service charge credits, by amending the utility rate and other fee structures, repealing all ordinances in conflict therewith, providing for severability, and declaring an emergency
- D. Ordinance No. 3034 An Ordinance amending Chapter 24, Water, Sewers and Sewage Disposal, Article VI Water Service Charges and Rates, and Article VII Sewer Service Charges and Rates; repealing all ordinances to the contrary and declaring an emergency
- E. Ordinance No. 3035 An Ordinance repealing Ordinance No. 1757 amending the Broken Arrow Code, Chapter 2, Section 2-59 adopting the state minimum standards for keeping subsequent destruction of municipal records; repealing all ordinances to the contrary and declaring an emergency

13. Remarks and Inquiries by Governing Body Members

- 14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City's Attorney for the purpose of conferring on contract negotiations concerning the IAFF, CWA and FOP employee groups under 25 O.S. § 307(B)(2); and the appraisal and potential purchase of real property located north of Albany and east of Elm Place and real property located west of 1st Street and south of El Paso, under 25 O.S. § 307(B)(3). The Council is advised that disclosure will seriously impair the ability of the public body to process this pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.**

15. Adjournment